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7  
8 **UNITED STATES DISTRICT COURT**  
9 **FOR THE DISTRICT OF NEVADA**

10 FRANK MARKS, individually;  
11 Plaintiff,

Civil Action No. 2:24-cv-00236

12 v.

13 USAA CASUALTY INSURANCE COMPANY;  
14 NATIONWIDE GENERAL INSURANCE  
COMPANY, DOES I through X, inclusive,  
15 Defendants.

16  
17 **SECOND STIPULATION AND ORDER FOR EXTENSION OF TIME FOR**  
18 **PLAINTIFF TO FILE A RESPONSE TO DEFENDANT USAA CASUALTY INSURANCE**  
19 **COMPANY'S MOTION TO DISMISS PLAINTIFF'S SECOND AND THIRD CAUSES**  
20 **OF ACTION AND MOTION TO STRIKE PLAINTIFF'S REQUEST FOR PUNITIVE**  
21 **DAMAGES AND ATTORNEY'S FEES**

22 On February 9, 2024, Defendant USAA Casualty Insurance Company ("USAA") filed its  
23 Motion to Dismiss Plaintiff's Second and Third Causes of Action and Motion to Strike Plaintiff's  
24 Request for Punitive Damages and Attorney's Fees. Plaintiff's response to Defendant USAA's  
25 Motion is currently due on March 25, 2024. The parties have discussed the potential for resolving  
26 the claims at issue in this civil action via alternative dispute resolution, but have not yet finalized  
27 an agreement regarding same. To allow the parties additional time to explore the potential use of  
28 alternative dispute resolution, the parties have agreed to extend the time for Plaintiff to file a  
Response to Defendant USAA's Motion for a period of thirty (30) days.

This Stipulation is submitted in good faith and is not interposed for purposes of delay. This is the second request to extend the deadline for filing Plaintiff's Response to Defendant USAA's Motion to Dismiss Plaintiff's Second and Third Causes of Action and Motion to Strike Plaintiff's Request for Punitive Damages and Attorney's Fees.

Accordingly, the parties respectfully request that the Court grant this stipulation to extend the time for Plaintiff to file a Response to Defendant USAA's Motion to Dismiss Plaintiff's Second and Third Causes of Action and Motion to Strike Plaintiff's Request for Punitive Damages and Attorney's Fees to April 25, 2024.

Respectfully submitted this 25th day of March, 2024.

**JEREZ LAW, PLLC**

**SPENCER FANE**

/s/ Isaiah A. Jerez

/s/ Mary E. Bacon

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*Attorneys for Defendant Nationwide General Insurance Company*

*Marks v. USAA Casualty Insurance Co.*  
*Case No. 2:24-cv-00236*

**ORDER**

Based upon the Stipulation of the parties hereto, and for good cause, IT IS HEREBY ORDERED, that the Stipulation to Extend hereinabove is hereby GRANTED.

DATED this 26 day of March, 2024.

  
UNITED STATES DISTRICT JUDGE

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**From:** [Miller, Adam](#)  
**To:** [Kristie Fischer](#); [Bacon, Mary](#); [Chong, Jessica](#)  
**Cc:** [Taylor, Jennifer](#); [Isaiah Jerez](#); [Angeli Gozon](#)  
**Subject:** RE: Marks v. USAA / Nationwide (Case No. 2:24-cv-00236)  
**Date:** Monday, March 25, 2024 4:57:30 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Hi Kristie,

You may apply Mary's e-signature.

Thank you,  
Adam

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**From:** Kristie Fischer <[kristie@JerezLaw.com](mailto:kristie@JerezLaw.com)>  
**Sent:** Monday, March 25, 2024 11:55 AM  
**To:** Bacon, Mary <[mbacon@spencerfane.com](mailto:mbacon@spencerfane.com)>; Chong, Jessica <[JChong@spencerfane.com](mailto:JChong@spencerfane.com)>  
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**Subject:** [EXTERNAL] RE: Marks v. USAA / Nationwide (Case No. 2:24-cv-00236)

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Please see attached proposed stipulation.

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**From:** Bacon, Mary <[mbacon@spencerfane.com](mailto:mbacon@spencerfane.com)>  
**Sent:** Friday, March 22, 2024 12:35 PM  
**To:** Kristie Fischer <[kristie@JerezLaw.com](mailto:kristie@JerezLaw.com)>  
**Cc:** Taylor, Jennifer <[Jennifer.A.Taylor@lewisbrisbois.com](mailto:Jennifer.A.Taylor@lewisbrisbois.com)>; Isaiah Jerez <[Isaiah@JerezLaw.com](mailto:Isaiah@JerezLaw.com)>; Angeli Gozon <[angeli@JerezLaw.com](mailto:angeli@JerezLaw.com)>  
**Subject:** RE: Marks v. USAA / Nationwide (Case No. 2:24-cv-00236)

Hi Kristie,

I am out of town for spring break starting tomorrow morning. I believe your opposition to our MTD is due on Monday. Do you want to take the lead on a brief stipulation vacating that deadline, and notifying the court of the arbitration (assuming of course that Nationwide agrees as well) ?

**Mary Bacon** Attorney at Law  
Spencer Fane LLP

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